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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,557	11/21/2003	Ronald P. Swanson	58710US002	3559
32692	7590	07/19/2006	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			KIM, SANG K	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	

3654

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,557	Applicant(s) SWANSON ET AL.	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30,31 and 33-40 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-19 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 20-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/12/06 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin, U.S. Patent No. 3615048.

With respect to claim 1, Martin '048 teaches a method of using the apparatus as shown in figures 1-9. A first positioning guide (i.e., using a first roller 12 which in the prior art sensing means were attached to, see column 2, lines 14-24) proximate a second positioning guide (14 with sensing means), applicant's specification notes the first web guide and second web guide is not critical which can be disposed in close proximity with minimal or no intermediate processing of the web such as using the idle roller 12, see page 5, lines 6-13; passing the web through the first positioning guide to

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reduce angular and transverse position errors; passing the web through the second positioning guide (14), wherein the second positioning guide positions the moving web with a mechanism having zero-backlash (i.e., using a controller and a motor, see column 2, lines 25-49); sensing a transverse location of the moving web at the second positioning guide with a sensor (62, 64); transmitting the transverse location of the web at the second positioning guide to a controller (102); and manipulating a zero-backlash actuator (using a motor 106, 54) with the controller, wherein the zero-backlash actuator is coupled to the second positioning guide such that the transverse position of the web is controllable to select the position, see figures 1-9.

With respect to claims 2-4, Martin '048 recognizes the required limit of accuracy is as plus or minus .005 inches, see column 1, lines 65-70.

With respect to claim 6, Martin '048 shows a plurality of flexure plates (78, 80), see figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, U.S. Patent No. 3615048.

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With respect to claims 15-16, as noted above, Martin '048 disclosed the claimed invention except for the first positioning guide with a feedback control system independent from the second control system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach an independent feedback control system of the second positioning guide onto the first positioning guide, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Furthermore, as noted above, Martin '048 recognizes in the prior art that sensing means were attached to the first positioning guide 12, see column 2, lines 14-24.

With respect to claims 11-14, Martin '048 discloses the claimed invention except for using a certain type of controller and sensor with a certain hertz. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the size ranges using a certain type of controller and sensor specified in the claims when guiding the web of Martin '048, and it being well known in the art to select a certain hertz to use the controller and sensor to correspond to the nature of the material being guided. It would have been well within the level of skill of one skilled in the art to select the claimed dimensions based on considerations such as the material, using a certain type of controller or sensor, etc.

With respect to claims 5 and 17-19, Martin '048 discloses the claimed invention except for a distance between the last frame roller (14) and the second base roller (52) is less than about one-half or one-tenth of a web width. It would have been obvious to one having ordinary skill in the art at the time the invention was to select a distance

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between these two rollers as specified in the claims when guiding the web of Martin '048, it being well known in the art to select a certain distance between these two rollers to correspond to the nature of the material being guided. It would have been well within the level of skill of one skilled in the art to select a distance between these rollers based on considerations such as the material, the web traveling distance, etc.

Allowable Subject Matter

Claims 30-31 and 33-40 are allowed.

Claims 7-10 and 20-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

The affidavit under 37 CFR 1.132 filed on 6/12/06 is insufficient to overcome the rejection of claims 1-6 and 11-19 based upon the Martin '048 reference as set forth in the last Office action because: Applicant states that the terms "positioning guide" and "web guide" to be synonymous. Furthermore, applicant states that Martin '048 explicitly states that the term "web guide" conventionally refers to the entire apparatus for adjusting lateral position and not referring to parts of such apparatus such as rolls or angle bars, see column 1, lines 35-43. Thus, applicant believes that one of ordinary skill in the art of web handling would understand the term "positioning guide" to refer to

an entire apparatus for adjusting the lateral position of a web and not as rolls or angle bars.

Examiner disagrees with applicant's assessment because the term "web guide" is not exclusive to an entire apparatus. Instead, the term "web guide" can be many different elements, which can guide the web in general. For examples, U.S. Patent No. 6214147 B1 uses the spaced turning bars as web guides, which is not an entire apparatus, see column 4, lines 45-46, and column 5, lines 44-46. U.S. Patent No. 6047873 uses the web guide assembly 31, which is not a roller or an entire apparatus. Thus, applicant's assertion of one of ordinary skill in the art of web handling would understand the terms "positioning guide" and "web guide" to refer to an entire apparatus is incorrect.

Response to Arguments

Applicant's arguments filed 6/12/06 have been fully considered but they are not persuasive with respect to claims 1-29.

Applicant argues that the tilt box of Martin '048 has only a single positioning guide for controlling a moving web, thus failing to anticipate applicant's claimed invention of having two positioning guides.

Examiner disagrees with the applicant's assessment of Martin '048 device. As stated above, Martin '048 shows a first positioning guide (using a first roller 12) proximate a second positioning guide (14), as shown in figure 1. Each roller (12, 14) is able to position and guide the web through to prevent backlash. Thus, each roller acts

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as a separate positioning guide for the web. The terms "positioning guide" and "web guide" are not limited to an entire apparatus only as explained above in the affidavit argument.

Applicant argues, especially with respect to claim 16, that the rollers of Martin '048 do not move independent of one other since rollers are joined by a carriage. Thus, all the rollers are moved jointly by one controller, and therefore, there is no conceivable motivation for altering Martin '048 to include a closed loop control system for each roller.

Examiner disagrees with the applicant's assessment of Martin '048 device. The claim 16 does not state anything with respect to moving each roller independently. Even if applicant were to amend the claims to recite some features of independent movement, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach an independent feedback control system of the second positioning guide onto the first positioning guide, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Furthermore, as noted above, Martin '048 recognizes in the prior art that sensing means were attached to the first positioning guide 12, see column 2, lines 14-24.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the

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application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

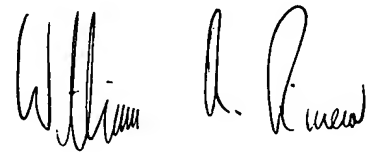
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

7/13/06

A handwritten signature in black ink, appearing to read 'William A. Rivera'.

**WILLIAM A. RIVERA
PRIMARY EXAMINER**